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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/997,622	12/23/1997	WILLIAM E. SALZER	SC10321C	1557

7590 01/16/2003

VINCENT B INGRASSIA
MOTOROLA INC
INTELLECTUAL PROPERTY DEPARTMENT
PO BOX 10219 SUITE R3108
SCOTTSDALE, AZ 852710219

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FN

Office Action Summary	Application No. 08/997,622	Applicant(s) SALZER ET AL.	
	Examiner Vivek Srivastava	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,12,13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8 and 15-17 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo (6,157,625).

Regarding claim 12, Kondo discloses a HDD 12 (meeting the claimed first memory location) for storing data of a first section of a data stream and a second section of a data stream (see fig 6). Further, referring to figure 6, Kondo discloses two memories 15V (meeting second memory limitation) and 15A (meeting third memory location) for copying the first section of the data stream and a second section of the data stream and a MUX (fig 6 item 16) for selecting between the second and third memory locations to produce an interleaved output signal and selecting between the data stored in the second memory location and data stored in the third memory location (see fig 6). Kondo fails to disclose wherein the step of selecting further includes the step of selecting first data from the second memory location while transferring second

data from the first memory location to the second memory location. The Examiner Takes Official Notice a dual port memory has concurrent reading out data and writing in data capability. For example, the references to Borth (4,852,090), Nogle et al (5,781,480) and Mason (4,694,426) disclose dual port memories provide concurrent read/write operations. In particular, Mason discloses a FIFO which functions like a dual port RAM (see col 4 lines 33-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kondo to include a dual port memory to provide selecting first data from the second memory (first data met by data output from 15V) location while transferring second data from the first memory location to the second memory location (second met by data output from HDD to 15V).

Considering claim 13, Kondo fails to disclose the claimed step of selecting third data from the third memory location while transferring fourth data from the first memory location to the third memory location. The Examiner Takes Official Notice a dual port memory has concurrent reading out data and writing in data capability. For example, the references to Borth (4,852,090), Nogle et al (5,781,480) and Mason (4,694,426) disclose dual port memories provide concurrent read/write operations. In particular, Mason discloses a FIFO which functions like a dual port RAM (see col 4 lines 33-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kondo to include a dual port memory to provide selecting third data from the third memory location (third data met by data output from 15A) while transferring fourth data from the first memory location to the third memory location (fourth data met by data output from HDD to 15A) to provide concurrent memory operations.

Response to Arguments

Applicant's argue the Examiner states that Kondo discloses two memories 15V and 15A for copying the first section of the data stream and a second section of the data stream and that they find no basis in the cited reference for concluding this.

Referring to figure 6, Kondo discloses the broadly claimed limitations. In particular, the first section, or video portion of the stream is copied from HDD 12 to A FIFO 15V and the audio portion, or the second section, is copied from HDD 12 to A FIFO 15A. Since Kondo discloses the broadly claimed limitations, the Applicant's arguments are not persuasive.

Applicant's argue that Kondo does not store data of a first section of the data stream and data from the second section of the data stream in a first memory location. Further, Applicants argue that Kondo does not copy a first section of the data stream to a second memory location nor does it copy a second section of the data stream to a third memory location, since as previously stated, Kondo does not divide the data stream into first and second sections.

The Examiner respectfully disagrees. Kondo discloses the broadly claimed limitations. In particular, since the first portion, or video portion and second portion, or audio portion are are divided into A FIFO 15V and A FIFO 15A, Kondo does indeed disclose dividing the data stream into first and second section. Further, since both the first section, or video section, and second section, or audio section are read from HDD 12, Kondo discloses the claimed storing a first section of data and second section of

data in a first memory location. As a result, the Applicant's arguments are not persuasive.

Applicants argue that Kondo does not select between the second and third memory locations to produce an interleaved output signal. In contrast, Kondo merely selects whether a first program or a second program is transmitted.

The Examiner respectfully disagrees. Kondo selects between the A FIFO (15V in fig 6) and A FIFO (15A in fig 6) to produce an interleaved output signal. This is further supported in column 5 lines 36-50 in Kondo. Referring to rejection, the Examiner equated the second memory location to A FIFO (15V in fig 6) and the third memory location to A FIFO (15A in fig 6). The Examiner respectfully submits that streams selected are audio from A FIFO (15A) and video A FIFO (15V) and are not a first and second program as argued by applicant. Kondo reads on the limitations as broadly claimed, and as a result, the Applicant's arguments are not persuasive.

Applicants argue that the Kondo does not even suggest the need for simultaneously reading and writing and merely discloses a buffer and then request support for the official notice taken.

Kondo discloses a FIFO or a buffer memory. The Examiner maintains it would have been obvious to one skilled in the art to modify the FIFO of Kondo to include a dual port memory for simultaneous read/write capabilities. In support of the Official Notice taken, the Examiner cites Nogle et al (5,781,480), Borth (4,852,090) and Mason (4,694,426).

Allowable Subject Matter

Claims 3-8 and 15-17 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

III. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Citta et al (5,461,619) - system for multiplexed transmission of data

Delpuch et al (5,448,568) - system of transmitting an interactive tv signal

Kondo (6,157,625) - Audio - video signal transmission apparatus

Nogle et al (5,781,480) – Dual port integrated circuit

Borth (4,852,090) – Dual port memories

Mason (4,694,426) – Dual port FIFO memory

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 1/9/03


VIVEK SRIVASTAVA
PATENT EXAMINER